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331. (new) The device of claim 330 wherein the liquid includes a solvent.

332. (new) The device of claim 330 wherein the liquid include in part, oil.

333. (new) The device of claim 330 wherein the liquid include in part, propylene.

334. (new) The device of claim 330 wherein the liquid include in part, glycerine.

335. (new) The device of claim 330 wherein the liquid include in part, benzyl.

336. (new) The device of claim 330 wherein the liquid is flavored with a flavor selected from the group of vanilla, honey, berry, chocolate, peach, champagne, cognac and menthol.

337. (new) The device of claim 330 wherein the liquid includes a humectant.

338. (new) The device of claim 329 wherein the additive includes botanical extract material.--

REMARKS

The claims have been amended. For convenience in prosecution, all claims are repeated herein, even those which are not amended herein. Two sets of claims are included, one set showing the changes made in this response (attached) and one clean set (set out above). No new matter has been added to the application.

Enclosed are the following:

1. Declaration and Power of Attorney;
2. \$903 in government fees (\$370 filing fee, \$65 missing parts fee, \$216 for 24 extra claims, \$252 for 6 extra independent claims);
3. Copy of Formalities letter.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of

this application, she is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.

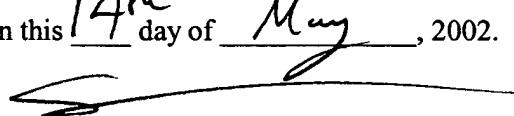
Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 14th day of May, 2002.



Seth M. Nehrbass, Reg. No. 31,281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Daniel Sinclair, Jr.

SERIAL NO.: 10/083,671 FILED: 26 February 2002

FOR: "METHOD OF MAKING A TOBACCO PRODUCT"

GROUP ART UNIT: 1731 EXAMINER: Dionne Walls

ATTORNEY DOCKET NO.: P02037US (98541.2P3)

* * * * *

Copy of Amendments Showing Changes

The application has been amended in the foregoing amendment to read as follows (added matter is underlined and omitted matter is in brackets):

IN THE CLAIMS:

Please amend the claims to read as follows (added matter is underlined and omitted matter is in brackets):

Please cancel claims 1-275 without prejudice.

-- 276. (amended) A tobacco shell product, comprising:

- (a) a sheet of tobacco-containing material that is flavored with an additive;
- (b) a longitudinal bore defined when the sheet is formed into a hollow tube; [and]
- (c) the longitudinal bore being not completely [less than about twenty five percent]

filled with a tobacco filler product; and

(d) a package of such dimensions to maintain the sheet in the formed configuration until the sheet and tube are removed from the package to thereby enable a consumer to fill the bore with the user's selected [with] tobacco material.

277. (amended) The tobacco shell of claim 276, wherein the bore is completely

unfilled.

278. The tobacco shell of claim 276, wherein the package has an opening between opposing walls which prevents the sheet from unrolling until removed from the package to insert tobacco fill material into the tube.

279. (amended) A tobacco shell product, comprising:

- (a) a sheet of tobacco-containing material that is flavored with an additive;
- (b) a tube for receiving the material there around;
- (c) a longitudinal bore formed in the material when the sheet is wrapped around the tube; and
- (d) a package of such dimensions for receiving the wrapped material wherein the package maintains the sheet in the wrapped configuration until the sheet and tube are removed from the package to fill with a tobacco fill material.

280. (amended) A fabricated cigar product, comprising:

- (a) a shell of material containing in part tobacco and that is flavored with an additive;
- (b) a tube for wrapping the shell of material there around to define a cigar shape; and
- (c) a wrapper, of such dimensions, for receiving the cigar shaped [wrapped] shell, and upon removal of the tube, walls of the wrapper maintaining the shell in the cigar shape until the tube is removed from the package, and enabling a user to fill the shell with tobacco--

Please cancel claims 281-287 without prejudice.

-- 288. (amended) A shell for assembling custom-made rolls of tobacco for smoking, comprising:

- (a) a sheet of combustible material which has not been part of a previously assembled

cigar or cigarette, and that has been flavored with an additive;

- (b) said sheet of material having at least two edges and a surface area located between said edges;
- (c) said area having an inner surface and an outer surface;
- (d) wherein the sheet has a tubular shape at rest [is at least partially coiled at rest]; and
- (e) said edges being separable to provide access to the inner surface of the sheet of material for depositing thereon tobacco products to be smoked in the shell.--

Please cancel claims 289-298 without prejudice.

-- 299. A device for preparing a tobacco product, comprising:

a hollow shell having a central opening longitudinally therethrough, said shell being formed from homogenized tobacco paper, the shell having a longitudinal slit in a sidewall of the shell to allow placing of crushed tobacco into said central opening, wherein the shell is formed by wrapping the homogenized tobacco paper about a removable form casing; and wherein said shell is wrapped about a removable form casing, said form casing having an outside diameter, which is slightly smaller than the diameter of the central opening.

300. The device of claim 299, wherein said form casing is provided with a non-stick coating deposited on an outer surface of the form casing.

301. A device for preparing a tobacco product, comprising:

a removable substantially cylindrical form casing; and
a shell body having a central opening extending longitudinally therethrough, said shell body being wrapped about said form casing, said shell body comprising homogenized tobacco paper, the shell body having a longitudinal slit formed in a sidewall of the shell body to allow

placing of crushed tobacco into said central opening after the form casing is removed from the shell body, wherein the shell is formed by wrapping the homogenized tobacco paper about the removable form casing.

302. The device of claim 301, wherein said central opening is adapted for receiving crushed tobacco after said form casing has been removed.

303. (Amended) The invention of [any one of claims 299-302] claim 301, wherein there are multiple layers of homogenized tobacco paper.--

Please cancel claims 304 and 305 without prejudice.

Please add the following claims:

- 306. (new) A product including a cigar tube for holding an end user's tobacco fill material, comprising:
 - a) a cigar tube which comprises a sheet of material of tobacco leaves or homogenized tobacco paper flavored with an additive, the sheet of material being rolled into a shaped tube that has a longitudinal bore, and edges that can be moved apart so that tobacco fill material can be added to the bore; and
 - b) a wrapper, wherein the cigar tube is packaged in the wrapper, and the cigar tube remains rolled in said tube shape inside the wrapper, and the packaged cigar tube is not filled with tobacco to form a complete cigar.
- 307. (new) The product of claim 306 further comprising moisture in the sheet of material.
- 308. (new) The product of claim 306 wherein the sheet is entirely comprised of tobacco material.
- 309. (new) The product of claim 306 wherein the wrapper is of cellophane material.
- 310. (new) The product of claim 306 wherein the wrapper is of a clear material.

311. (new) The product of claim 306 wherein the wrapped, shaped tube does not contain any tobacco fill material.

312. (new) The product of claim 306 wherein the tube is not formed by removing the combustible filler of an existing prefabricated cigar.

313. (new) The product of claim 306 wherein multiple layers define the sheet of material.

314. (new) A product including a cigar tube for holding an end user's tobacco fill material, comprising:

a) a cigar tube which comprises a sheet of material of tobacco leaves or homogenized tobacco paper flavored with an additive, the sheet of material being rolled into a shaped tube that has a longitudinal bore, and edges that can be moved apart so that tobacco fill material can be added to the bore; and

b) a wrapper, wherein the cigar tube is packaged in the wrapper, and the cigar tube remains rolled in said tube shape inside the wrapper after packaging.

315. (new) The product of claim 314 further comprising moisture in the sheet of material.

316. (new) The product of claim 314 wherein the sheet is entirely comprised of tobacco material.

317. (new) The product of claim 314 wherein the wrapper is of cellophane material.

318. (new) The product of claim 314 wherein the wrapper is of a clear material.

319. (new) The product of claim 314 wherein the wrapped, shaped tube does not contain any tobacco fill material.

320. (new) The product of claim 314 wherein the tube is not formed by removing the combustible filler of an existing prefabricated cigar.

321. (new) A product including a cigar tube for holding an end user's tobacco fill material,

comprising:

a) a cigar tube which comprises a sheet of material of tobacco leaves or homogenized tobacco paper that are flavored with an additive, the sheet of material being rolled into a shaped tube that has a longitudinal bore, and edges that can be moved apart so that tobacco fill material can be added to the bore; and

b) a wrapper, wherein the cigar tube is packaged in the wrapper, the wrapper has a clear portion for enabling a consumer to see the cigar tube, and the cigar tube remains rolled in said tube shape inside the wrapper.

322. (new) The product of claim 321 further comprising moisture in the sheet of material.

323.(new) The product of claim 321 wherein the sheet is entirely comprised of tobacco material.

324. (new) The product of claim 321 wherein the wrapper is of cellophane material.

325. (new) The product of claim 321 wherein the wrapper is of a clear material.

326. (new) The product of claim 321 wherein the wrapped, shaped tube does not contain any tobacco fill material.

327. (new) The product of claim 321 wherein the tube is not formed by removing the combustible filler of an existing prefabricated cigar.

328. (new) The product of claim 321 wherein multiple layers define the sheet of material.

329. (new) The device of claim 301 wherein the shell body is flavored with an additive.

330. (new) The device of claim 301 wherein the additive is a liquid.

331. (new) The device of claim 330 wherein the liquid includes a solvent.

332. (new) The device of claim 330 wherein the liquid include in part, oil.

333. (new) The device of claim 330 wherein the liquid include in part, propylene.

334. (new) The device of claim 330 wherein the liquid include in part, glycerine.

335. (new) The device of claim 330 wherein the liquid include in part, benzyl.

336. (new) The device of claim 330 wherein the liquid is flavored with a flavor selected from the group of vanilla, honey, berry, chocolate, peach, champagne, cognac and menthol.

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